

NOV 19 2002  
JC48  
PATENT & TRADEMARK OFFICE

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re application of: Mohr, et al.

Application No.: 09/690,147 Group No.: 2857

Filed: 10/17/2000 Examiner: West, Jeffrey R.

For: AUTOMATED MACHINE AND METHOD FOR FRUIT TESTING

41EXA(3)  
T-Step tol  
12-9-02Assistant Commissioner for Patents  
Washington, D.C. 20231

## PETITION AND FEE FOR EXTENSION OF TIME (37 C.F.R. § 1.136(a))

1. This is a petition for an extension of the time for a total period of 3 months to response to Office Action indicated as mailed 05/20/2002. (indicate matter being extended)

NOTE: 37 C.F.R. § 1.704(b) "... an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph."

## CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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## 37 C.F.R. § 1.8(a)

with sufficient postage as first class mail.

## 37 C.F.R. § 1.10

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## TRANSMISSION

facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

  
Signature

Dorothy C. Bergman

(Type or print name of person certifying)

Date: 11/19/02

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Petition and Fee for Extension of Time (37 C.F.R. § 1.136(a) [11-2]—page 1 of 3)

460.00 DP

11/21/2002 USPTOELR1 00000086 09690147

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NOTE: "Extensions of Time in Patent Cases (Supplement Amendments)—If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

"If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of Dec. 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 C.F.R. § 1.645 for extensions of time in interference proceedings and 37 C.F.R. § 1.550(c) for extensions of time in reexamination proceedings.

NOTE: An extension of time under 37 C.F.R. § 1.136(a)(1) is available unless:

- "(i) Applicant is notified otherwise in an Office action;
- "(ii) The reply is a reply brief submitted pursuant to § 1.193(b);
- "(iii) The reply is a request for an oral hearing submitted pursuant to § 1.194(b);
- "(iv) The reply is to a decision by the Board of Patent Appeals and Interferences pursuant to § 1.196, § 1.197 or § 1.304; or
- "(v) The application is involved in an interference declared pursuant to § 1.611."

2. A response in connection with the matter for which this extension is requested:

is filed herewith.

has been filed.

(complete the following, if applicable)

NOTE: The PTO accepts the filing of a continuing application as a response under 37 C.F.R. §§ 1.136 and 1.137. To facilitate processing in such a case, the petition for extension of time should specifically refer to the filing of a continuing application and also include an express abandonment of the prior application conditioned upon the granting of the petition and the granting of a filing date to the continuing application. Notice of May 13, 1983, 1031 O.G. 11-12.

The response is the filing of a continuation application having an express abandonment conditioned on the granting of a filing date to the continuing application.

3. Applicant is

a small entity. A statement:

is attached.

was already filed.

other than a small entity.

4. Calculation of extension fee (37 C.F.R. § 1.17(a)(1)–(5)):

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$ 200.00
<input checked="" type="checkbox"/> three months	\$ 920.00	\$ 460.00
<input type="checkbox"/> four months	\$ 1,440.00	\$ 720.00
<input type="checkbox"/> five months	\$ 1,960.00	\$ 980.00

Fee: \$ 460.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 460.00

5. Extended period for response

Based on the extension requested in this petition (and that for which a previous petition has been filed, if any), the extended period for response will expire on 11/20/2002 (Date).

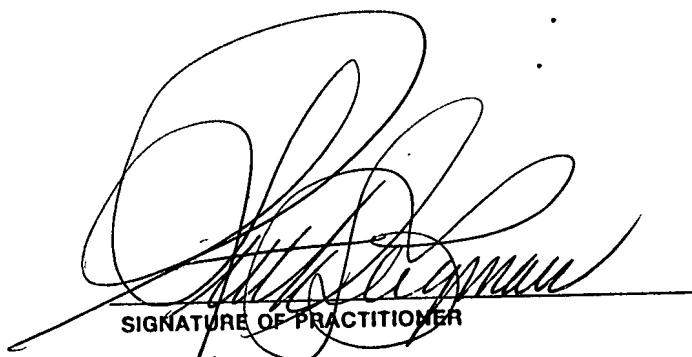
6. Fee Payment

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Attached is a  check  money order in the amount of \$ 460.00  
 Authorization is hereby made to charge the amount of \$ any insufficiency  
 to Deposit Account No. 02-2110  
 to Credit card as shown on the attached credit card information authorization form PTO-2038.

*WARNING: Credit card information should not be included on this form as it may become public.*  
 Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.



SIGNATURE OF PRACTITIONER

Reg. No.: 18,153

Keith S. Bergman

(type or print name of practitioner)

Tel. No.: ( 509 ) 838-2851

7 So. Howard St., Suite 418

Customer No.:

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Spokane, WA 99201-3898



23427

PATENT TRADEMARK OFFICE

(Petition and Fee for Extension of Time (37 C.F.R. § 1.136(a) [11-2]—page 3 of 3)

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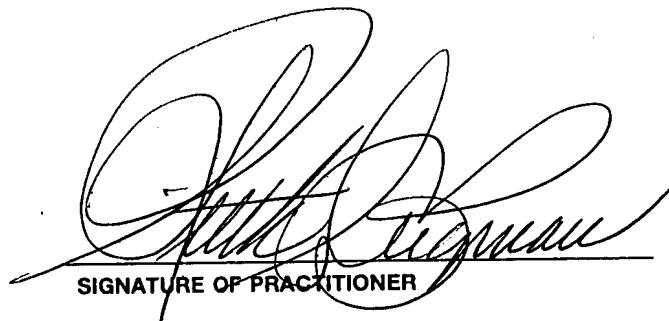
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